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ANDREW CARR

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
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13 ANDREW CARR, individually and on behalf  
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND  
REHABILITATION SERVICES, INC.,  
18 GOLDEN LIVINGCENTER - PETALUMA,  
and DOES 1 to 50,

19 Defendants.

20 Case No.: 12-CV-02980-EMC

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28 **STIPULATION AND [PROPOSED]  
ORDER CONTINUING MOTION TO  
DISMISS AND CASE MANAGEMENT  
CONFERENCE**

Courtroom: 5  
Judge: Hon. Edward M. Chen

The parties hereby stipulate as follows:

WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to Dismiss Pursuant to F.R.C.P. 12(B)(6) (“Motion to Dismiss”), which has been fully-briefed by all parties;

WHEREAS, on February 27, 2013, prior to the Court conducting a hearing on the Motion to Dismiss, the parties engaged in private mediation with Mr. Michael Loeb at JAMS in San Francisco. At that time, progress was made but the parties were unable to settle the case. The parties agreed, however, to engage in additional investigation and schedule a second mediation, which will take place on or before April 5, 2013.

IT IS THEREFORE STIPULATED AND AGREED, in order to allow the parties to engage in additional fact finding and a second day of mediation with Mr. Loeb, the parties have stipulated to continuing the hearing on the Motion to Dismiss and the Case Management Conference until May 2, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The parties shall file a Joint Case Management Statement at least one week prior to the Case Management Conference.

## **IT IS SO STIPULATED.**

Respectfully submitted,

Date: March 5, 2013

## HARRIS & RUBLE

By /s/  
Alan Harris

Attorneys for Plaintiff  
**ANDREW CARR**

Date: March 5, 2013

DINSMORE & SHOHL LLP

By /s/  
Carly Chu

Attorneys for Defendant  
**BEVERLY HEALTH AND  
REHABILITATION SERVICES, INC.**

1 **IT IS HEREBY ORDERED AS FOLLOWS:**

2       The hearing on the Motion to Dismiss and the Case Management Conference is continued  
3 to May 2, 2013, at 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management  
4 Statement at least one week prior to the Conference.

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6 DATED: March 6, 2013  
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